

MINUTES OF THE MEETING OF
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,
NAIL TECHNOLOGY, AND BODY ART

May 2, 2016

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chairperson, Becky Pettigrew, at 10:31 a.m., in Lower Level Conference Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

The following members answered roll call:

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| Bridget Anderson | - | Member |
| Ann Casement | - | Member |
| Vicki Criswell | - | Secretary |
| Lyra Faltys | - | Member |
| Melanie Judkins | - | Vice-Chair |
| Ruth Lucas | - | Member |
| David Newson | - | Member |
| Becky Pettigrew | - | Chair |
| Pamela Rowland | - | Member |

Members Absent:

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| Sandra Christie | - | Member |
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Others Present:

Ami Huff, Assistant Attorney General
Dennis Scott, Investigator
Jeff Newman, Investigator
Kathleen Krueger, Investigator
Mendy Maher-Clark, Investigator
Kris Chiles, Program Manager, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Faltys moved, seconded by Judkins, to adopt the agenda. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie (1). Motion carried.

3. APPROVAL OF MINUTES

MOTION: Faltys moved, seconded by Criswell, to approve the conference call minutes of 4-4-16. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Christie (1). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Faltys moved, seconded by Newson, to enter into closed session at 10:35 a.m. for the purpose of hearing discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie (1). Motion carried.

10:48 a.m. - Casement departed meeting (conflict)

10:50 a.m. - Judkins departed meeting (conflict)
 Casement entered meeting
 10:52 a.m. - Judkins entered meeting
 Krueger and Maher-Clark departed meeting
 10:54 a.m. - Scott and Newman departed meeting
 11:26 a.m. - Huff departed meeting
 11:27 a.m. - CJ Roberts, Department attorney, entered meeting
 Huff entered meeting

MOTION: Faltys moved, seconded by Criswell, to return to open session at 11: 39 a.m. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie (1). Motion carried.

11:39 a.m. - Break
 11:49 a.m. - Meeting resumed

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

Maggie Stohlmann – Cosmetologist Reinstatement

MOTION: Faltys moved, seconded by Newson, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Christie (1). Motion carried.

Kathryn Nuzum-Makosso – Body Piercer

MOTION: Judkins moved, seconded by Faltys, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Christie (1). Motion carried.

Stephanie Christenson - Cosmetologist

MOTION: Newson moved, seconded by Casement, to recommend offering a probationary license with 4 year probation, to include the standard terms and conditions and the following: quarterly employer reports, no solo practice, evidence of compliance with terms and conditions of United States District Court for the District of Colorado. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Christie (1). Motion carried.

6. NEW BUSINESS

a. 2016 Legislative Session Update and Discussion

Chiles reported LB 859, the cease and desist bill, had been signed by the Governor with an emergency clause. The bill will change authority to the Department to issue cease and desist orders with the Board making recommendations to the Department.

Chiles reported LB 898, regarding natural hair braiding, was signed by the Governor. The bill exempts persons who do natural hair braiding from being required to be licensed. Chiles also reported LB 947, regarding the issuance of professional licenses for certain aliens, was approved by the Legislature.

b. Correspondence/Issues

- Microblading with semi-permanent ink

The members discussed microblading; there was no conclusion.

12:19 p.m. - Roberts departed meeting

c. Body Art, Cosmetology, Electrology, Esthetics, Nail Technology, Indoor Tanning Facilities

Body Art – There was nothing to report.

Cosmetology – Faltys stated she had been approving a large volume of continuing education classes.

Electrology – No electrology board member has been appointed.

Esthetics – Criswell stated she had been approving many continuing education classes. She discussed the cryoclear pen which freezes an area to -108.4 F or -70 C and is medical 1 only for doctors and medical 2 carbon dioxide. The members discussed exploring the cryoclear pen and cryotherapy chambers further to determine if it is in the scope of practice of an esthetician. Criswell also reported that brow extensions are becoming more prevalent.

12:46 p.m. - Huff entered meeting

Nail Technology – Rowland asked the Board to consider supporting a bill in 2017 for the licensure of those who do manicuring and pedicuring. She will be seeking a Senator to sponsor the bill and currently has a petition with at least 200 signatures. She will submit a proposal to the Board. Rowland commented that Iowa did away with a separate license for manicuring and requires a nail technician. She stated in 1999 when the nail technician license went to the Legislature, that it would only be approved if manicuring was not included.

Rowland stated she would like to see the hours doubled from the current 300 hours with the rationale of:

- More time to learn skills and practice
- Financial assistance for student
- Want to be viewed as similar to other professions (2100 hours for cosmetology; 1000 hours for esthetics)

There was some discussion on the perception that the nail technician business was saturated. Also a member commented that 600 hours could discourage some from taking the training. There was some discussion on whether adding hours would have any effect on human trafficking or fraudulent diplomas.

Indoor Tanning Facilities – Pettigrew circulated an article from the Indoor Tanning Association.

d. Other

There was no other new business.

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| 7. REPORTS/UPDATES |
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a. National-Interstate Council of State Boards of Cosmetology

Faltys reported the annual convention would be in Tampa, Florida from 9-30-16 to 10-3-16.

Rowland and Faltys expressed interest in attending.

MOTION: Anderson moved, seconded by Casement, to approve funding for two members to attend the NIC Annual Meeting. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie (1). Motion carried.

b. Disciplinary/Non-Disciplinary Action Report

Chiles distributed the report.

c. Statistics: Examinations / Renewal / Licensing / Administrative Penalties

Chiles reported the following statistics:

Licensure Numbers:

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|---|------|
| Cosmetologist | 9029 |
| Cosmetology Instructor | 175 |
| Cosmetology Salon | 2021 |
| Cosmetology Salon Consideration Certificate | 14 |
| Electrologist | 17 |
| Esthetician | 898 |
| Esthetician Instructor | 22 |
| Esthetics Salon | 47 |
| Esthetics Salon Consideration Certificate | 5 |
| Home Service Permit | 3 |
| School of Cosmetology | 17 |
| Temporary Cosmetology Practitioner | 10 |
| Temporary Esthetician Practitioner | 0 |
| Body Art Facility | 134 |
| Body Brander | 2 |
| Body Piercer | 78 |
| Permanent Color Technician | 41 |
| Tattoo Artist | 287 |
| Nail Technician | 1188 |
| Nail Technology Instructor | 11 |
| Nail Technology Salons | 177 |
| Nail Technology Salon Consideration Cert. | 4 |
| Nail Technology Schools | 5 |

8. ADJOURNMENT

MOTION: Rowland moved, seconded by Judkins, to adjourn the meeting. A roll call vote was taken. Voting aye: Anderson, Casement, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Christie (1). Motion carried.

Pettigrew declared the meeting adjourned at 1:56 p.m.

Respectfully submitted,

Vicki Criswell, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator